

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

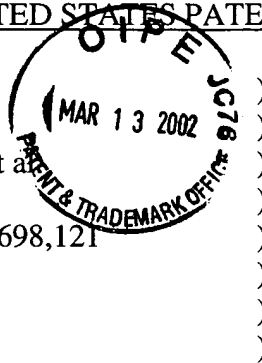
In re Application Of:

Jerome AUCOUTURIER et al

Application Number: 09/698,121

Filed: October 30, 2000

For: NOVEL VACCINE COMPOSITION AND USE OF  
SURFACTANTS AS ADJUVANTS OF IMMUNITY



Group Art Unit: 1644

Examiner: G. R. Ewoldt, Ph.D.

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REPLY UNDER 37 C.F.R. § 1.111

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

REMARKS

This reply is responsive to the Office Action mailed December 13, 2001 ("Office Action"). Applicants have reviewed and thoroughly considered the Office Action. In view of the Office Action, the following remarks are provided for Examiner's consideration. Claims 19-20 and 30-32 are currently pending in the application. In view of the following remarks, Applicants respectfully submit that the pending claims are in condition for allowance and respectfully request a Notice of Allowance be entered on an expedited basis.

The Office Action states that claims 19-20 and 30-32 are rejected under 35 U.S.C. § 112, first paragraph, as allegedly being based on a disclosure which is not enabling. Specifically, the Office Action purports that:

The elected species of adjuvant is disclosed only as "composition h". It is unclear from the disclosure of the specification, however, just what "composition h" consists of. The Table on page 9 of the specification appears to indicate that "composition h" comprises some sort of "mannitan oleate". The Table also seems to indicate at least nine other "mannitan oleates," thus, it is unclear how "composition h" differs from "compositions" e-f and i-o. Note that some of the compositions seem to comprise a particular number of "EOs," however, "EO" is not defined in the specification.

As shown in the Table, which begins on page 9 of the specification, Composition H differs from the other compositions by nature of the corresponding adjuvant. As recited on page 8, lines 21-22 of the specification, each of the compositions contains "a surfactant, phosphate